
By: Delegates Zirkin, Amedori, Barve, Brown, Burns, Cardin, Carter, Jones, Morhaim, O'Donnell, Shank, Simmons, Sophocleus, Trueschler, and Vallario Vallario, Bartlett, Boschert, Bozman, Cryor, C. Davis, Elmore, Gilleland, Goodwin, Gordon, Healey, Heller, Hixson, Howard, Kaiser, King, Marriott, McKee, Myers, Patterson, Ramirez, and Ross

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Committee Report: Favorable with amendments
House action: Adopted with floor amendments
Read second time: March 30, 2004

CHAPTER _____

1 AN ACT concerning

2 **Department of Juvenile Services - Enhancement of Programs**

3 FOR the purpose of establishing the Department of Juvenile Services Education
4 Department; ~~requiring each facility established and operated by the~~
5 ~~Department of Juvenile Services to have an education center; requiring each~~
6 ~~education center to provide year-round schooling; providing that each child in~~
7 ~~the custody of the Department receive appropriate educational services;~~
8 ~~providing that the Superintendent and Managing Director of Education in the~~
9 ~~Department is responsible for the education of every child in the custody of the~~
10 ~~Department; establishing the Department of Juvenile Services Board of~~
11 ~~Education; providing for the appointment, terms, and removal of members of the~~
12 ~~Board of Education; providing for the duties and responsibilities of the Board of~~
13 ~~Education; requiring that each child in the custody of the Department be~~
14 ~~assessed by the Education Department to determine the educational needs of~~
15 ~~the child; requiring the Education Department to prepare a personal education~~
16 ~~plan for each child; providing that the Education Department is responsible for~~
17 ~~preparing, maintaining, and retaining the academic records for each child;~~
18 ~~requiring the Board of Education to hire teachers and other school professional~~
19 ~~staff subject to certain certification and requirements; requiring the Board of~~
20 ~~Education to appoint all principals, teachers, and other certificated and~~
21 ~~noncertificated personnel under certain circumstances; requiring the~~
22 ~~Department to keep certain records; requiring a certain financially responsible~~
23 ~~county to reimburse the Education Department a certain amount for each child~~
24 ~~in the custody of the Department under certain circumstances; requiring the~~

1 State Board of Education to reimburse the Department for certain children
2 under certain circumstances; requiring the Department to submit an annual
3 report to the State Superintendent of Schools, the Governor, and the General
4 Assembly on the educational outcomes of each child in the custody of the
5 Department; requiring the State Superintendent of Schools to adopt certain
6 regulations; defining certain terms; requiring the Department to cooperate with
7 the State Department of Education to establish certain programs; establishing a
8 Juvenile Services Education Program in the Department; requiring the
9 Department to develop and implement certain educational programs; requiring
10 the Secretary, with the concurrence of the State Superintendent, to appoint a
11 director of the Juvenile Services Education Program; providing for the salary
12 and duties of the director; establishing the Coordinating Council for Juvenile
13 Services; providing for the membership, compensation, meetings, and duties of
14 the Council; requiring the Department to work cooperatively with the State
15 Department of Education for a certain purpose; requiring the Secretary to adopt
16 certain regulations; requiring certain reports; requiring the director of the
17 Juvenile Services Education Program and the Coordinating Council for Juvenile
18 Services Education programs to assume control and management of certain
19 educational services on or before a certain date; providing for the transfer of
20 certain appropriations to the State Department of Education; and generally
21 relating to establishing the Department of Juvenile Services Education
22 Department.

23 BY repealing and reenacting, without amendments,

24 Article 83C - Juvenile Services
25 Section 2-118(a) and (e)
26 Annotated Code of Maryland
27 (2003 Replacement Volume)

28 BY repealing and reenacting, with amendments,

29 Article 83C - Juvenile Services
30 Section 2-118(b) and (f)
31 Annotated Code of Maryland
32 (2003 Replacement Volume)

33 BY adding to

34 Article 83C - Juvenile Services
35 Section 2-118(i)
36 Annotated Code of Maryland
37 (2003 Replacement Volume)

38 BY adding to

39 Article - Education
40 Section 22-301 through 22-307 and 22-309 and 22-310 to be under the
41 amended title "Title 22. Educational Services for Correctional Institutions,
42 Juvenile Services, and Hospitals" and the amended subtitle "Subtitle 3.

1 Juvenile Services Educational Programs"
2 Annotated Code of Maryland
3 (2001 Replacement Volume and 2003 Supplement)

4 BY repealing and reenacting, with amendments,
5 Article - Education
6 Section 22-301
7 Annotated Code of Maryland
8 (2001 Replacement Volume and 2003 Supplement)
9 (As enacted by Chapter 53 of the Acts of the General Assembly of 2003)

10 ~~BY adding to~~
11 ~~Article 83C - Juvenile Services~~
12 ~~Section 5-101 through 5-112, inclusive, to be under the new title "Title 5-~~
13 ~~Education Department"~~
14 ~~Annotated Code of Maryland~~
15 ~~(2003 Replacement Volume)~~

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 83C - Juvenile Services**

19 2-118.

20 (a) Each facility provided for in § 2-117 of this article shall operate under the
21 control and general management of the Department.

22 (b) Subject to the provisions of Title 3, Subtitles 8 and 8A of the Courts Article,
23 the Department shall:

24 (1) Adopt regulations that set:

25 (i) Policies for detention authorization, community detention,
26 admission, transfer, discharge, and aftercare supervision; and

27 (ii) Standards of care, including provisions to administer any early,
28 periodic screening diagnosis and treatment program that the Department approves
29 for establishment under Title 42, § 1396d(a)(4)(B) of the United States Code and to
30 treat appropriately any condition that the screening reveals; and

31 (2) Order any needed changes in the policy, conduct, or management of a
32 [facility] STATE RESIDENTIAL PROGRAM to provide adequate care for the children
33 and adequate services to the courts.

34 (e) The Department shall develop within each facility special programs that
35 are designed to meet the particular needs of its population.

1 (f) The Department shall adopt regulations that require each [facility] STATE
 2 RESIDENTIAL PROGRAM to provide:

3 (1) [Educational] YEAR-ROUND EDUCATIONAL programs that are
 4 designed to meet the particular needs of its population;

5 (2) Medical and mental health assessment services;

6 (3) Alcohol abuse and drug abuse assessment services;

7 (4) Either alcohol abuse and drug abuse referral services or an alcohol
 8 abuse and drug abuse treatment program that has been certified in accordance with
 9 the requirements of Title 8 of the Health - General Article; and

10 (5) Programs that ensure a safe, humane, and caring environment.

11 (I) THE DEPARTMENT SHALL COOPERATE WITH THE STATE DEPARTMENT OF
 12 EDUCATION TO ESTABLISH EDUCATIONAL PROGRAMS AS REQUIRED UNDER TITLE
 13 22, SUBTITLE 3 OF THE EDUCATION ARTICLE.

14 ~~TITLE 5. EDUCATION DEPARTMENT.~~

15 ~~5-101.~~

16 (A) ~~IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

17 (B) ~~"BOARD" MEANS THE DEPARTMENT OF JUVENILE SERVICES BOARD OF~~
 18 ~~EDUCATION.~~

19 (C) ~~"EDUCATION DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE~~
 20 ~~SERVICES EDUCATION DEPARTMENT.~~

21 (D) ~~"STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.~~

22 (E) ~~"STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF~~
 23 ~~SCHOOLS.~~

24 (F) ~~"SUPERINTENDENT" MEANS THE SUPERINTENDENT AND MANAGING~~
 25 ~~DIRECTOR OF EDUCATION IN THE DEPARTMENT OF JUVENILE SERVICES.~~

26 ~~5-102.~~

27 (A) ~~THERE IS AN EDUCATION DEPARTMENT IN THE DEPARTMENT.~~

28 (B) (1) ~~EACH FACILITY ESTABLISHED AND OPERATED BY THE DEPARTMENT~~
 29 ~~UNDER § 2-117 OF THIS ARTICLE SHALL HAVE AN EDUCATION CENTER WITHIN THE~~
 30 ~~FACILITY.~~

31 (2) ~~EACH EDUCATION CENTER SHALL PROVIDE YEAR ROUND~~
 32 ~~SCHOOLING.~~

1 ~~(C) EACH CHILD UNDER THE JURISDICTION OF THE DEPARTMENT SHALL~~
2 ~~RECEIVE APPROPRIATE EDUCATIONAL SERVICES PROVIDED BY THE EDUCATION~~
3 ~~DEPARTMENT.~~

4 ~~(D) THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE EDUCATION OF~~
5 ~~EVERY CHILD UNDER THE JURISDICTION OF THE DEPARTMENT.~~

6 ~~5-103.~~

7 ~~(A) THERE IS A DEPARTMENT OF JUVENILE SERVICES BOARD OF EDUCATION.~~

8 ~~(B) THE BOARD CONSISTS OF FIVE VOTING MEMBERS JOINTLY APPOINTED BY~~
9 ~~THE GOVERNOR AND THE SECRETARY FROM A LIST OF QUALIFIED INDIVIDUALS~~
10 ~~SUBMITTED TO THE GOVERNOR AND THE SECRETARY BY THE STATE BOARD.~~

11 ~~(C) (1) EACH MEMBER SERVES FOR A TERM OF 3 YEARS BEGINNING JULY 1~~
12 ~~AFTER THE APPOINTMENT AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

13 ~~(2) THE GOVERNOR AND THE SECRETARY SHALL APPOINT A NEW~~
14 ~~MEMBER TO FILL ANY VACANCY FOR THE REMAINDER OF THAT TERM AND UNTIL A~~
15 ~~SUCCESSOR IS APPOINTED AND QUALIFIES.~~

16 ~~(3) UNLESS OTHERWISE DISQUALIFIED UNDER THIS SECTION, A~~
17 ~~MEMBER OF THE BOARD IS ELIGIBLE FOR REAPPOINTMENT. HOWEVER, AN~~
18 ~~INDIVIDUAL MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE TERMS.~~

19 ~~(D) (1) WITH THE APPROVAL OF THE GOVERNOR, THE SECRETARY MAY~~
20 ~~REMOVE ANY MEMBER OF THE BOARD APPOINTED UNDER THIS SECTION FOR:~~

21 ~~(I) IMMORALITY;~~

22 ~~(II) MISCONDUCT IN OFFICE;~~

23 ~~(III) INCOMPETENCY;~~

24 ~~(IV) WILLFUL NEGLIGENCE OF DUTY; OR~~

25 ~~(V) FAILURE TO ATTEND, WITHOUT GOOD CAUSE, AT LEAST HALF~~
26 ~~OF THE SCHEDULED MEETINGS OF THE BOARD IN ANY 1 CALENDAR YEAR.~~

27 ~~(2) BEFORE REMOVING A MEMBER, THE SECRETARY SHALL SEND THE~~
28 ~~MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER~~
29 ~~AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.~~

30 ~~(3) IF A MEMBER REQUESTS A HEARING WITHIN THE 10 DAY PERIOD:~~

31 ~~(I) THE SECRETARY SHALL PROMPTLY HOLD A HEARING, BUT A~~
32 ~~HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE SECRETARY SENDS THE~~
33 ~~MEMBER A NOTICE OF THE HEARING; AND~~

1 (II) ~~THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD~~
2 ~~PUBLICLY BEFORE THE SECRETARY IN THE MEMBER'S OWN DEFENSE, IN PERSON,~~
3 ~~OR BY COUNSEL.~~

4 (4) ~~IF A MEMBER WHO IS REMOVED SO REQUESTS, THE SECRETARY~~
5 ~~SHALL FILE WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY FROM~~
6 ~~WHICH THE MEMBER WAS APPOINTED:~~

7 (I) ~~A COMPLETE STATEMENT OF ALL CHARGES MADE AGAINST~~
8 ~~THE MEMBER;~~

9 (II) ~~THE FINDINGS OF THE SECRETARY; AND~~

10 (III) ~~A COMPLETE RECORD OF THE PROCEEDINGS.~~

11 (E) ~~EACH MEMBER OF THE BOARD SERVES WITHOUT COMPENSATION.~~

12 (F) (1) ~~ON APPOINTMENT OF THE BOARD, THE GOVERNOR AND THE~~
13 ~~SECRETARY SHALL JOINTLY SELECT ONE OF THE VOTING MEMBERS TO SERVE AS~~
14 ~~THE CHAIRMAN OF THE BOARD WHO SHALL SERVE THROUGH JUNE 30, 2006.~~

15 (2) ~~BEGINNING ON JULY 1, 2006, AND EVERY 2 YEARS THEREAFTER,~~
16 ~~FROM AMONG ITS VOTING MEMBERS THE BOARD SHALL ELECT A CHAIRMAN.~~

17 (G) ~~ANY ACTION BY THE BOARD SHALL REQUIRE:~~

18 (1) ~~A QUORUM OF A MAJORITY OF THE VOTING MEMBERS THEN~~
19 ~~SERVING; AND~~

20 (2) ~~THE AFFIRMATIVE VOTE OF A MAJORITY OF THE VOTING MEMBERS~~
21 ~~THEN SERVING.~~

22 5-104.

23 ~~THE DEPARTMENT OF JUVENILE SERVICES BOARD OF EDUCATION SHALL:~~

24 (1) ~~TO THE BEST OF ITS ABILITY, CARRY OUT THE APPLICABLE~~
25 ~~PROVISIONS OF THIS TITLE, THE EDUCATION ARTICLE, AND THE BYLAWS, RULES,~~
26 ~~REGULATIONS, AND POLICIES OF THE STATE BOARD;~~

27 (2) ~~MAINTAIN THROUGHOUT THE EDUCATION DEPARTMENT A~~
28 ~~REASONABLY UNIFORM SYSTEM OF EDUCATION CENTERS THAT ARE DESIGNED TO~~
29 ~~PROVIDE QUALITY EDUCATION AND EQUAL EDUCATIONAL OPPORTUNITY FOR~~
30 ~~CHILDREN IN THE CUSTODY OF THE DEPARTMENT;~~

31 (3) ~~SUBJECT TO THIS TITLE, THE EDUCATION ARTICLE, AND THE~~
32 ~~APPLICABLE BYLAWS, RULES, AND REGULATIONS OF THE STATE BOARD,~~
33 ~~DETERMINE, WITH THE ADVICE OF THE SUPERINTENDENT, THE EDUCATIONAL~~
34 ~~POLICIES OF THE EDUCATION DEPARTMENT; AND~~

1 (4) ~~ADOPT, CODIFY, AND MAKE AVAILABLE TO THE PUBLIC BYLAWS,~~
2 ~~RULES, AND REGULATIONS CONSISTENT WITH STATE LAW, FOR THE CONDUCT AND~~
3 ~~MANAGEMENT OF THE EDUCATION CENTERS.~~

4 ~~5-105.~~

5 ~~SUBJECT TO THE APPLICABLE PROVISIONS OF THE EDUCATION ARTICLE AND~~
6 ~~THE BYLAWS, BASIC POLICIES, AND GUIDELINES ESTABLISHED BY THE STATE~~
7 ~~BOARD, THE BOARD, ON WRITTEN RECOMMENDATION OF THE SUPERINTENDENT,~~
8 ~~SHALL:~~

9 (1) ~~ESTABLISH CURRICULUM GUIDES AND COURSES OF STUDY FOR THE~~
10 ~~EDUCATION CENTERS UNDER ITS JURISDICTION; AND~~

11 (2) ~~SUPPLY PRINTED COPIES OF THESE MATERIALS TO ANY TEACHER~~
12 ~~OR INTERESTED CITIZEN.~~

13 ~~5-106.~~

14 (A) ~~EACH CHILD IN THE CUSTODY OF THE DEPARTMENT SHALL BE ASSESSED~~
15 ~~AS SOON AS POSSIBLE BY THE EDUCATION DEPARTMENT TO DETERMINE THE~~
16 ~~EDUCATIONAL NEEDS OF THE CHILD.~~

17 (B) ~~AFTER AN ASSESSMENT HAS BEEN COMPLETED AS REQUIRED IN~~
18 ~~SUBSECTION (A) OF THIS SECTION, THE EDUCATION DEPARTMENT SHALL PREPARE A~~
19 ~~PERSONAL EDUCATION PLAN FOR THE CHILD.~~

20 ~~5-107.~~

21 ~~THE EDUCATION DEPARTMENT SHALL BE RESPONSIBLE FOR PREPARING,~~
22 ~~MAINTAINING, AND RETAINING THE ACADEMIC RECORDS FOR EACH CHILD WHO IS~~
23 ~~PLACED IN THE CUSTODY OF THE DEPARTMENT.~~

24 ~~5-108.~~

25 (A) ~~THE BOARD SHALL HIRE AND OTHERWISE UTILIZE TEACHERS AND OTHER~~
26 ~~SCHOOL PROFESSIONAL STAFF WHO ARE SUBJECT TO THE SAME CERTIFICATION~~
27 ~~AND QUALIFICATION REQUIREMENTS OF TITLE 6 OF THE EDUCATION ARTICLE.~~

28 (B) ~~THE PROVISIONS OF TITLE 6 OF THE EDUCATION ARTICLE SHALL APPLY~~
29 ~~TO THE PERSONNEL OF THE EDUCATION DEPARTMENT.~~

30 ~~5-109.~~

31 ~~ON THE WRITTEN RECOMMENDATION OF THE SUPERINTENDENT AND SUBJECT~~
32 ~~TO THE PROVISIONS OF THE EDUCATION ARTICLE, THE BOARD SHALL:~~

33 (1) ~~APPOINT ALL PRINCIPALS, TEACHERS, AND OTHER CERTIFICATED~~
34 ~~AND NONCERTIFICATED PERSONNEL; AND~~

35 (2) ~~SET THEIR SALARIES.~~

1 ~~5-110.~~

2 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~
3 ~~INDICATED.~~

4 (2) ~~"LOCAL CURRENT EXPENSE PER STUDENT" MEANS ALL~~
5 ~~EXPENDITURES MADE BY A COUNTY FROM COUNTY APPROPRIATIONS, EXCEPT~~
6 ~~STATE, FEDERAL, AND OTHER AID, FOR PUBLIC ELEMENTARY AND SECONDARY~~
7 ~~EDUCATION IN THE PRIOR FISCAL YEAR, DIVIDED BY THE FULL TIME EQUIVALENT~~
8 ~~ENROLLMENT, AS DEFINED IN § 5-202(A) OF THE EDUCATION ARTICLE.~~

9 (3) ~~"CHILD IN AN OUT OF HOME LIVING ARRANGEMENT" MEANS A~~
10 ~~CHILD WHO IS IN THE CUSTODY OF THE DEPARTMENT.~~

11 (4) ~~"FINANCIALLY RESPONSIBLE COUNTY" MEANS:~~

12 (I) ~~THE COUNTY IN WHICH THE PARENT OR LEGAL GUARDIAN OF~~
13 ~~A CHILD IN AN OUT OF HOME LIVING ARRANGEMENT RESIDES;~~

14 (II) ~~IF THE PARENTS OF THE CHILD LIVE APART, THE COUNTY IN~~
15 ~~WHICH THE PARENT WHO HAS BEEN AWARDED CUSTODY OF THE CHILD RESIDES; OR~~

16 (III) ~~IF CUSTODY HAS NOT BEEN AWARDED, THE COUNTY IN WHICH~~
17 ~~THE PARENT WITH WHOM THE CHILD LIVES WHEN NOT IN A FOSTER CARE HOME OR~~
18 ~~RESIDENTIAL FACILITY RESIDES.~~

19 (B) ~~A CHILD WHO IS PLACED IN AN OUT OF HOME LIVING ARRANGEMENT~~
20 ~~WITH THE DEPARTMENT SHALL RECEIVE AN APPROPRIATE EDUCATION FROM THE~~
21 ~~EDUCATION DEPARTMENT.~~

22 (C) (1) ~~THE DEPARTMENT SHALL KEEP RECORDS CONCERNING:~~

23 (I) ~~THE NUMBER OF CHILDREN IN THE CUSTODY OF THE~~
24 ~~DEPARTMENT;~~

25 (II) ~~THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD;~~
26 ~~AND~~

27 (III) ~~THE NUMBER OF DAYS THAT EACH CHILD IS IN THE CUSTODY~~
28 ~~OF THE DEPARTMENT.~~

29 (2) ~~THE EDUCATION DEPARTMENT SHALL DETERMINE THE AMOUNT~~
30 ~~EACH FINANCIALLY RESPONSIBLE COUNTY OWES THE EDUCATION DEPARTMENT~~
31 ~~BASED ON THE LOCAL CURRENT EXPENSE PER STUDENT.~~

32 (3) ~~THE FINANCIALLY RESPONSIBLE COUNTY SHALL REIMBURSE THE~~
33 ~~EDUCATION DEPARTMENT FOR THE EDUCATION OF EACH CHILD FROM THE~~
34 ~~FINANCIALLY RESPONSIBLE COUNTY BASED ON THE NUMBER OF CHILDREN IN THE~~
35 ~~CUSTODY OF THE DEPARTMENT FROM THE PRIOR YEAR.~~

~~(D) (1) EACH YEAR THE EDUCATION DEPARTMENT SHALL NOTIFY THE STATE SUPERINTENDENT OF THE NAME OF EACH CHILD UNDER THE JURISDICTION OF THE DEPARTMENT RECEIVING EDUCATIONAL SERVICES FROM THE EDUCATION DEPARTMENT AND MAKE A PRELIMINARY DETERMINATION OF THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD. THE DEPARTMENT SHALL SEND A COPY OF THIS NOTICE TO THE FINANCIALLY RESPONSIBLE COUNTY AND SHALL SEND THE NOTICE TO THE STATE SUPERINTENDENT.~~

~~(2) THE COUNTY WHICH WAS INITIALLY DETERMINED TO BE FINANCIALLY RESPONSIBLE MAY APPEAL THAT DETERMINATION TO THE STATE SUPERINTENDENT.~~

~~(3) THE STATE SUPERINTENDENT SHALL DECIDE ALL APPEALS WHICH ARE MADE UNDER PARAGRAPH (2) OF THIS SUBSECTION AND MAKE A FINAL DETERMINATION REGARDING THE FINANCIALLY RESPONSIBLE COUNTY FOR EACH CHILD IN THE CUSTODY OF THE DEPARTMENT.~~

~~(4) EACH YEAR EACH COUNTY BOARD SHALL PROVIDE THE STATE SUPERINTENDENT THE DATA NECESSARY TO COMPUTE THE LOCAL CURRENT EXPENSE PER STUDENT UNDER THIS SECTION.~~

~~(5) IF A FINANCIALLY RESPONSIBLE COUNTY FAILS TO MAKE THE REQUIRED PAYMENT TO THE EDUCATION DEPARTMENT, THE STATE SUPERINTENDENT SHALL DEDUCT FROM THE NEXT PAYMENT OF STATE AID TO THE FINANCIALLY RESPONSIBLE COUNTY AN AMOUNT EQUAL TO THE AMOUNT OWED UNDER THIS PARAGRAPH AND SHALL PAY THOSE FUNDS TO THE EDUCATION DEPARTMENT.~~

~~5-111.~~

~~EACH YEAR THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE STATE SUPERINTENDENT, THE GOVERNOR, AND THE GENERAL ASSEMBLY ON THE EDUCATIONAL OUTCOMES OF EACH CHILD IN THE CUSTODY OF THE DEPARTMENT.~~

~~5-112.~~

~~THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS TITLE.~~

Article - Education

Title 22. Educational Services for Correctional Institutions, JUVENILE SERVICES, and Hospitals.

Subtitle 3. [Juvenile Residential Facilities] JUVENILE SERVICES EDUCATIONAL PROGRAMS.

22-301.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

1 (B) "COUNCIL" MEANS THE EDUCATION COORDINATING COUNCIL FOR
2 JUVENILE SERVICES EDUCATIONAL PROGRAMS.

3 (C) "DIRECTOR" MEANS THE DIRECTOR OF JUVENILE SERVICES
4 EDUCATIONAL PROGRAMS.

5 (D) "FACILITY" MEANS A BUILDING OR BUILDINGS AND RELATED PHYSICAL
6 INFRASTRUCTURE AT A GEOGRAPHICALLY DISTINCT LOCATION AT WHICH THE
7 DEPARTMENT OF JUVENILE SERVICES OPERATES A PROGRAM.

8 (E) "PROGRAM" MEANS A DISCRETE AND DEFINED GROUPING OF SERVICES
9 PROVIDED TO YOUTHS IN THE CUSTODY OF OR UNDER THE SUPERVISION OF THE
10 DEPARTMENT OF JUVENILE SERVICES TO ADDRESS PREDETERMINED NEEDS.

11 (F) "RESIDENTIAL FACILITY" MEANS A FACILITY ESTABLISHED UNDER
12 ARTICLE 83C, § 2-117 OF THE CODE.

13 (G) "SECRETARY" MEANS THE SECRETARY OF JUVENILE SERVICES.

14 (H) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION.

15 (I) "STATE SUPERINTENDENT" MEANS THE STATE SUPERINTENDENT OF
16 SCHOOLS.

17 22-302.

18 THERE IS A JUVENILE SERVICES EDUCATION PROGRAM WITHIN THE
19 DEPARTMENT.

20 22-303.

21 (A) (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT JUVENILE
22 SERVICES EDUCATIONAL PROGRAMS AT ALL RESIDENTIAL FACILITIES OF THE
23 DEPARTMENT OF JUVENILE SERVICES BY JULY 1, 2012.

24 (2) THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM
25 CONTRACTING WITH A PRIVATE PARTY TO PROVIDE EDUCATIONAL SERVICES UNDER
26 THE CONTROL AND GENERAL MANAGEMENT OF THE DEPARTMENT.

27 (B) ON OR BEFORE FEBRUARY 1, 2006, AND EVERY OTHER YEAR THEREAFTER
28 UNTIL 2012, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN
29 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE
30 GENERAL ASSEMBLY ON THE DEPARTMENT'S IMPLEMENTATION OF THIS SUBTITLE,
31 INCLUDING:

32 (1) THE IDENTIFICATION OF ALL RESIDENTIAL FACILITIES FOR WHICH
33 THE DEPARTMENT HAS ASSUMED RESPONSIBILITY FOR THE EDUCATIONAL
34 SERVICES; AND

35 (2) ALL FACILITIES FOR WHICH THE DEPARTMENT PLANS TO ASSUME
36 RESPONSIBILITY DURING THE NEXT CALENDAR YEAR.

1 (C) THE DEPARTMENT'S RESPONSIBILITY FOR THE CHARLES H. HICKEY, JR.
2 SCHOOL SHALL BE GOVERNED BY § 22-308 OF THIS SUBTITLE.

3 22-304.

4 (A) THE STATE SUPERINTENDENT, WITH THE CONCURRENCE OF THE
5 SECRETARY, SHALL APPOINT A DIRECTOR.

6 (B) THE DIRECTOR SHALL RECEIVE THE SALARY PROVIDED IN THE BUDGET
7 OF THE STATE DEPARTMENT OF EDUCATION.

8 (C) THE DIRECTOR SHALL:

9 (1) BE RESPONSIBLE FOR THE EDUCATION OF EVERY CHILD IN A
10 RESIDENTIAL FACILITY;

11 (2) ENSURE THAT THE EDUCATIONAL NEEDS OF EVERY CHILD IN A
12 RESIDENTIAL FACILITY ARE ASSESSED IN A TIMELY MANNER;

13 (3) IMPLEMENT AND ADMINISTER THE EDUCATIONAL PROGRAMS
14 DEVELOPED BY THE COUNCIL;

15 (4) MEET WITH AND ADVISE THE COUNCIL ABOUT EDUCATION CENTERS
16 AND EDUCATIONAL PROGRAMS AND THEIR OUTCOMES; AND

17 (5) CONSULT WITH THE SECRETARY AND SENIOR ADMINISTRATOR OF
18 EACH RESIDENTIAL FACILITY ABOUT THE OPERATION OF EDUCATIONAL SERVICES
19 FOR THE PROGRAM.

20 22-305.

21 (A) (1) THERE IS A COORDINATING COUNCIL FOR JUVENILE SERVICES
22 EDUCATIONAL PROGRAMS IN THE DEPARTMENT OF JUVENILE SERVICES.

23 (2) THE COUNCIL IS WITHIN THE STATE DEPARTMENT OF EDUCATION
24 FOR ADMINISTRATIVE AND BUDGETARY PURPOSES.

25 (B) (1) THE COUNCIL CONSISTS OF SEVEN MEMBERS.

26 (2) TWO OF THE MEMBERS SHALL BE RESIDENTS OF THE STATE
27 APPOINTED BY THE GOVERNOR FOR A TERM OF 4 YEARS AND UNTIL A SUCCESSOR IS
28 APPOINTED AND QUALIFIES.

29 (3) THE FOLLOWING OFFICIALS SHALL SERVE AS EX OFFICIO MEMBERS
30 OF THE COUNCIL:

31 (I) THE STATE SUPERINTENDENT OF SCHOOLS;

32 (II) THE SECRETARY OF BUDGET AND MANAGEMENT;

33 (III) THE SECRETARY OF JUVENILE SERVICES;

1 (IV) THE SECRETARY OF HIGHER EDUCATION; AND

2 (V) A COUNTY SUPERINTENDENT OF SCHOOLS, FROM A COUNTY IN
3 WHICH A RESIDENTIAL FACILITY IS LOCATED, WHOM THE STATE SUPERINTENDENT
4 SHALL SELECT WITH THE CONCURRENCE OF THE SECRETARY.

5 (C) EACH MEMBER OF THE COUNCIL:

6 (1) SERVES WITHOUT COMPENSATION; BUT

7 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE
8 WITH THE STANDARD STATE TRAVEL REGULATIONS.

9 (D) (1) THE STATE SUPERINTENDENT SHALL SERVE AS CHAIRMAN OF THE
10 COUNCIL.

11 (2) THE COUNCIL SHALL DESIGNATE THE TIME AND PLACE OF ITS
12 MEETINGS AND MAY ADOPT RULES FOR THE CONDUCT OF THE MEETINGS.

13 (3) THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE
14 TECHNICAL AND CLERICAL ASSISTANCE AND SUPPORT TO THE COUNCIL.

15 22-306.

16 (A) (1) THE COUNCIL SHALL DEVELOP, RECOMMEND, AND APPROVE AN
17 EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL FACILITY.

18 (2) THE EDUCATIONAL PROGRAMS SHALL MEET THE SPECIAL NEEDS
19 AND CIRCUMSTANCES OF THE CHILDREN IN THE RESIDENTIAL FACILITY.

20 (B) THE COUNCIL SHALL ADOPT REGULATIONS CONSISTENT WITH STATE
21 LAW FOR THE CONDUCT AND MANAGEMENT OF THE EDUCATIONAL PROGRAMS.

22 (C) ON OR BEFORE OCTOBER 30 OF EACH YEAR, THE COUNCIL SHALL REPORT
23 ITS ACTIVITIES TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE
24 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

25 (D) (1) (I) THE COUNCIL SHALL ACTIVELY ADVOCATE AND PROMOTE THE
26 INTERESTS OF EDUCATIONAL PROGRAMS AND OPPORTUNITIES IN PROGRAMS OF
27 THE DEPARTMENT OF JUVENILE SERVICES.

28 (II) THE COUNCIL SHALL SEEK TO ENSURE THAT A QUALITY
29 EDUCATION AND EQUAL EDUCATIONAL OPPORTUNITIES ARE AVAILABLE TO ALL
30 CHILDREN IN THE CUSTODY OF THE DEPARTMENT.

31 (2) ON A REGULAR BASIS, THE COUNCIL SHALL REVIEW THE
32 EFFECTIVENESS OF THE PROGRAM OF EDUCATIONAL INSTRUCTION USED IN THE
33 RESIDENTIAL FACILITIES TO ENSURE THAT THE UNIQUE EDUCATIONAL NEEDS OF
34 THE CHILDREN UNDER THE JURISDICTION OF THE DEPARTMENT OF JUVENILE
35 SERVICES ARE BEING SATISFACTORILY MET.

1 (3) THE COUNCIL SHALL INCLUDE IN THE COUNCIL'S REVIEW
2 STUDENTS' ABILITY TO:

3 (I) MAINTAIN AND IMPROVE EDUCATIONAL ACHIEVEMENT IN
4 CORE SUBJECTS;

5 (II) ACQUIRE COURSE CREDITS THAT QUALIFY AS STATE
6 REQUIREMENTS FOR GRADUATION; AND

7 (III) MAKE THE TRANSITION TO A REGULAR PROGRAM OR OTHER
8 EDUCATIONAL PROGRAM OPERATED BY A MARYLAND SCHOOL SYSTEM.

9 (4) BASED ON ITS REVIEW, THE COUNCIL SHALL RECOMMEND AND
10 ADVOCATE IMPROVEMENTS TO THE EDUCATIONAL SERVICES FOR RESIDENTIAL
11 FACILITIES.

12 22-307.

13 THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT TO THE STATE
14 SUPERINTENDENT, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2-1246 OF THE
15 STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE AGGREGATE
16 EDUCATIONAL OUTCOMES OF THE EDUCATIONAL PROGRAM FOR EACH RESIDENTIAL
17 FACILITY.

18 [22-301.] 22-308.

19 (a) The Department shall develop and implement an educational program
20 designed to meet the particular needs of the population at the Charles H. Hickey, Jr.
21 School in Baltimore County.

22 (b) (1) For each student placed at the Charles H. Hickey, Jr. School, the local
23 school system in which the student was last enrolled shall transmit within 5 days of
24 notice of the placement, the complete record of the student including medical
25 information in the custody of the local school system.

26 (2) The Charles H. Hickey, Jr. School shall transmit the complete
27 student record to the local school system where a student released from the Charles
28 H. Hickey, Jr. School is enrolled within 5 days of notice of the student's enrollment.

29 (3) The State Superintendent may impose appropriate corrective action
30 including withholding or redirection of funding if either a local school system or the
31 Charles H. Hickey, Jr. School fails to comply with the timely transmission of the
32 student record.

33 (c) The Department of Juvenile Services shall work cooperatively with the
34 Department to:

35 (1) Facilitate the full implementation of the educational program at the
36 Charles H. Hickey, Jr. School; and

1 (2) Make students available for attendance during scheduled class time.
2 22-309.

3 THE DEPARTMENT OF JUVENILE SERVICES SHALL WORK COOPERATIVELY
4 WITH THE DEPARTMENT TO FACILITATE THE IMPLEMENTATION OF THIS SUBTITLE.

5 22-310.

6 THE STATE SUPERINTENDENT SHALL ADOPT REGULATIONS TO CARRY OUT
7 THIS SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Director of Juvenile
9 Services Educational Programs and the Coordinating Council for Juvenile Services
10 shall assume the control and general management for the education service for all
11 residential facilities on or before July 1, 2012.

12 SECTION 3. AND BE IT FURTHER ENACTED, That all appropriations held by
13 the Department of Juvenile Services to carry out the exclusive functions of the
14 Juvenile Services Education Program under this Act shall be transferred to the State
15 Department of Education on the day the State Department of Education assumes
16 control over the educational programs of the Department of Juvenile Services, but not
17 later than July 1, 2012.

18 SECTION 4. AND BE IT FURTHER ENACTED, That § 22-308 of the
19 Education Article as enacted by this Act shall take effect on the taking effect of §
20 22-301 of the Education Article as enacted by Chapter 53, Section 5 of the Acts of the
21 General Assembly of 2003.

22 ~~SECTION 5.~~ AND BE IT FURTHER ENACTED, That, except as provided in
23 Section 3 4 of this Act, this Act shall take effect June 1, 2004.